

97CV01218-ILG-jgm

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERKS OFFICE  
U.S. DISTRICT COURT ED. N.Y.  
★ JAN 20 1999 ★  
P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

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BRICKLAYERS DISTRICT COUNCIL  
WELFARE FUND, PENSION FUND,  
SUPPLEMENTAL ANNUITY FUND,  
BRICKLAYERS AND TROWEL TRADES  
INTERNATIONAL PENSION FUND,  
MASONRY INSTITUTE OF NEW YORK  
CITY AND LONG ISLAND FUND,  
INTERNATIONAL MASONRY INSTITUTE  
and MASONRY ADVANCEMENT PROGRAM,  
INC., and ARTHUR POTTERFIELD, in his  
fiduciary as Administrator,

and

JUDGMENT  
97-CV-1218 (ILG)

NICHOLAS BRANDO, as President of LOCAL 1,  
NEW YORK, INTERNATIONAL UNION OF  
BRICKLAYERS AND ALLIED CRAFTSMEN,

Plaintiffs,

-against-

C.B.H. CONSTRUCTION CORP., and  
NATHANIEL HAM,

Defendants.  
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An order of the Honorable I. Leo Glasser, United States District Judge, having been filed on December 14, 1998, having previously granted summary judgment for the plaintiffs on April 14, 1998, with no objections having been filed, now adopting the November 25, 1998 Report and Recommendation of Magistrate Judge Roanne L. Mann entering judgment, jointly and severally, against both defendants, and awarding damages to the plaintiffs as follows:


- A. in the amount of \$17,140.90 for unpaid ERISA Funds contributions, and prejudgment interest of 10% per annum from May 21, 1996 until the date of judgment in the amount of \$4,531.77; and liquidated damages awarded in the amount of \$9,063.54, for a total of \$30,736.21
- B. \$714.00 in unpaid contributions and prejudgment interest at 9% interest per annum from May 21, 1996 until the date of judgment in the amount of \$169.89; and
- C. \$1,320.90 in unpaid dues check-offs and prejudgment interest at 9% per annum from May 21, 1996 until the date of judgment in the amount of \$314.30; for a total judgment of \$33,255.30; it is

ORDERED and ADJUDGED that the plaintiffs, having previously been granted summary judgment on April 14, 1998 are awarded damages against defendants C.B.H. CONSTRUCTION CORP., and NATHANIEL HAM, , both jointly and severally, in the amount of:

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JUDGMENT  
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- A. \$17,140.90 for unpaid ERISA Funds contributions, and  
prejudgment interest of 10% per annum from May 21, 1996 until  
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liquidated damages in the amount of \$9,063.54, for a total of  
\$30,736.21;
- B. \$714.00 in unpaid contributions and prejudgment interest at 9%  
per annum from May 21, 1996 until the date of judgment in the  
amount of \$169.89; and
- C. \$1,320.90 in unpaid dues check-offs and prejudgment interest at  
9% per annum from May 21, 1996 until the date of judgment in  
the amount of \$314.30; for a total judgment of \$33,255.30.

Dated: Brooklyn, New York  
January 12, 1999

  
ROBERT C. HEINEMANN  
Clerk of Court